

**MINUTES OF A REGULAR MEETING  
OF THE AIRPORT COMMISSION**

**1. CALL TO ORDER**

The Torrance Airport Commission convened in a regular session on Thursday, October 13, 2005 at 7:05 p.m. in the West Annex meeting room at Torrance City Hall.

**2. ROLL CALL**

Present: Commissioners Browning, Dingman, Donnellan, Gates, Ouwerkerk, and Vice-Chairperson Tymczyszyn.

Absent: Chairperson Pyles.

Also Present: Facility Operations Manager Megerdichian and Deputy City Attorney Whitham.

As Chairperson Pyles was absent, Vice-Chairperson Tymczyszyn led this meeting.

**3. FLAG SALUTE**

Vice-Chairperson Tymczyszyn led the Pledge of Allegiance.

**4. AFFIDAVIT OF AGENDA POSTING**

**MOTION:** Commissioner Browning, seconded by Commissioner Donnellan, moved to accept and file the report of the City Clerk on the posting of the agenda for this meeting; a voice vote reflected unanimous approval (absent Chairperson Pyles).

**5. APPROVAL OF MINUTES**

**MOTION:** Commissioner Ouwerkerk moved for the approval of the September 8, 2005 Airport Commission meeting minutes. Commissioner Browning seconded the motion; a voice vote reflected unanimous approval (absent Chairperson Pyles and with Commissioner Donnellan and Vice-Chairperson Tymczyszyn abstaining).

**6. ACTION ITEMS**

None.

**7. INFORMATION ITEMS**

**7A. BROWN ACT PRESENTATION BY CITY ATTORNEY'S OFFICE**

Facility Operations Manager Megerdichian introduced Deputy City Attorney Heather Whitham.

Deputy City Attorney Whitham distributed material on the Brown Act for Commissioners to use as a reference guide as well as her business cards, advising them to feel free to call the City Attorney's Office if they are ever in doubt.

With the aid of a power point presentation, Deputy City Attorney Whitham reported on the Legislature's intent. She advised that the Brown Act was a set of laws that exist in the Government Code to make sure that the public is aware of what elected and appointed officials are doing. She stated that the primary premise of the Brown Act is that all meetings of a legislative body be open and public and that the public be permitted to attend except as otherwise provided by this chapter.

She reviewed the definitions of a legislative body and a meeting. She discussed the elements of a meeting that includes a quorum and both formal and informal gatherings. She advised that agendas of formal meetings must be posted at least 72 hours in advance and that the public must be given an opportunity to speak on an item before or during consideration of that item. She stated that all aspects of the decision making process must be open and public, and that all information used in decision making needs to be presented to the public.

She presented exceptions to the quorum meeting requirement that include individual contacts, conferences that are open to the public, community meetings, other legislative body meetings, and social or ceremonial events. She noted that the majority could not discuss among themselves business of a specific nature within their body's subject matter jurisdiction. She advised that collective briefings, retreats and workshops, informal gatherings, and serial meetings were prohibited. She explained how a serial meeting, such as a "daisy chain" and "hub-and spoke" meeting, involve only a portion of the legislative body at any one time, but eventually involves a quorum.

In response to Commissioner Gates' inquiry, she provided clarification that a third person needed to relay collective concurrence in order for there to be a Brown Act violation.

She discussed agenda requirements, noting that the Commission was not allowed to discuss, deliberate, or take action on any item not on the agenda. She explained how items could be added to an agenda in cases of emergency and when two thirds of the body votes to add it. She reviewed how a Commissioner could have an item added to an agenda. She provided information regarding location of meetings, limits on conduct of meetings, speaker and meeting time limits, and reactive discussion. She concluded her presentation by discussing civil and criminal liability for Brown Act violations and reminded Commissioners that when in doubt, ask for advice.

Responding to Commissioner Dingman's inquiry, she stated that there were comparable federal laws governing public officials. She provided clarification that four members of the Commission could meet together as long as they did not discuss Airport related issues; however, she warned that there could be an appearance of impropriety.

In response to Commissioner Browning's inquiry, she advised that an ad hoc committee was not technically governed by the Brown Act, but noted that the public has a right to know anything being discussed under the Public Records Act.

Commissioner Gates received clarification that research related to an upcoming agenda item should be provided to Facility Operations Manager Megerdichian who would in turn distribute the information. She explained that Commissioners could

distribute innocuous aviation news to each other, but any information that may affect a Commissioner's decision should be made a public item by providing it first to staff.

When Frank Rizzardi, Carlow Road, inquired about conflict of interest, Deputy City Attorney Whitham explained that the Political Reform Act stated that any time there was a material, financial interest in a decision a Commissioner must abstain.

Commissioner Gates commented that the Fair Political Practices Commission has an informative website.

Deputy City Attorney Whitham advised that the Fair Political Practices Commission also provides advice opinions and will give verbal advice over the telephone. She stated that the City Clerk's office has pamphlets on the Commission.

Vice-Chairperson Tymczyszyn stated that when a subcommittee of the Airport Commission was formed to review a hangar agreement for tenants at the Airport, Commissioners were unable to proceed due to a possible conflict of interest.

Deputy City Attorney Whitham advised that the Political Reform Act was not on the agenda for tonight's meeting. She stated that the City Attorney's Office has forwarded a request to the Attorney General and the Fair Political Practices Commission for advice opinions regarding the matter and that they were awaiting a response.

Commissioner Gates stated that he hoped the City would reinstitute its policy to provide Commissioner Orientation training sessions for new Commissioners.

**7B. AERONAUTICAL OPERATIONAL INFORMATION UNDER THE PURVIEW OF THE GENERAL SERVICES DEPARTMENT**

Vice-Chairperson Tymczyszyn noted that the following reports were included in the agenda material: Hangar and Tiedown Rental Status, Ongoing Projects, October Room Schedule, and Hangar Waiting List.

Referring to the Ongoing Projects report, Facility Operations Manager Megerdichian advised that the Airport Security Project encompassed FEAP-309, 348, and 349. He stated that part of the Digital Aerial Photographs replacement was taken from the Airport Fund as well as other City departments for aeronautical and management uses. He stated that the design for construction of two executive hangars was being updated and that staff was waiting for conceptual approval from the City Manager to hire the architect.

Responding to Commissioner Donnellan's inquiry, he explained that the two underground storage tanks being upgraded were for use by City vehicles.

Commissioner Gates noted the omission of the Cal Trans inspection report and a response to the report.

**7C. AERONAUTICAL OPERATIONAL INFORMATION UNDER THE PURVIEW OF THE PUBLIC WORKS DEPARTMENT**

Vice-Chairperson Tymczyszyn noted that the following reports were included in the agenda material: Events Requiring Emergency Response and Airfield Operations Status.

Commissioner Donnellan initiated a brief discussion regarding the landing of an aircraft on September 17, 2005.

Facility Operations Manager Megerdichian reported that the Airport Fund received nearly \$4,000 for the "C.S.I." filming.

**7D. LAND MANAGEMENT REPORT – AERONAUTICAL**

Vice-Chairperson Tymczyszyn noted that a report from Land Management Chair Sunshine was included in the agenda material:

**7E. COMMITTEE REPORTS**

**7E.1. COMMUNITY OUTREACH & EDUCATION COMMITTEE**

No report.

**8. ORAL COMMUNICATIONS**

**8A.** Facility Operations Manager Megerdichian requested concurrence for the Commission to go dark in December 2005. A decision on the matter was deferred to the November 10, 2005 Commission meeting.

**8B.** Facility Operations Manager Megerdichian encouraged Commissioners to attend a documentary on the Torrance Airport at the Office of Cable Communications on October 17, 2005.

**8C,** Facility Operations Manager Megerdichian discussed perimeter access for the Lowe's development on the north end of the Airport property.

**8D.** Commissioner Gates commented that the City was overcharging for hangar rent again.

**8E.** Commissioner Gates offered to provide copies of the July 1, 2005 inspection report.

**8F.** When Commissioner Gates questioned the contract for vending machines at the Airport, Facility Operations Manager Megerdichian advised that City Council voted to approve the use of a vendor for all City facilities approximately a year ago.

**8G.** Commissioner Gates distributed his written recommendation to establish a Noise Mitigation Subcommittee of the Airport Commission.

Facility Operations Manager Megerdichian suggested that his proposal would be an appropriate topic for the Work Plan process to be held in January and February 2006. He stated that the facilitator Len Woods would like to meet with Commissioners individually in December 2005.

When Commissioner Gates stated that he saw no reason to wait, Facility Operations Manager Megerdichian advised that if there was Commission concurrence it would be put on the agenda for next month's meeting.

When Vice-Chairperson Tymczyszyn noted that the scope of his proposal was much more than reduction of noise, Commissioner Gates indicated that the Torrance Municipal Code stated that the Commission should advise City Council on noise mitigation measures.

Commissioner Ouwerkerk related his understanding that the current noise monitoring system was not driven by complaints from residents but by Code, and stated that he was not in concurrence with the proposal in its entirety.

It was determined by straw vote to defer the establishment of a Noise Mitigation Subcommittee until revision of the Work Plan in January 2006.

**8H.** Commissioner Ouwerkerk noted that the gate to the Airport through Robinson Helicopter did not appear to be accessible.

Facility Operations Manager Megerdichian advised that both gates were accessible to the Fire Department.

**8I.** Commissioner Ouwerkerk offered his congratulations to Commissioner Donnellan for his possible appointment to the vacancy on City Council.

**8J.** Vice-Chairperson Tymczyszyn stated that airport hangar fire inspections were currently ongoing.

**8K.** Don Ferrara, Via Ciega, Palos Verdes Estates, discussed his idea for an alternative site for the proposed cell tower.

Facility Operations Manager Megerdichian advised that his proposal was already heard at the Commission level and that he should speak when it goes before City Council.

When Frank Rizzardi, Carlow Road, stated that the proposal for the cell site may go before the Planning Commission before City Council, Facility Operations Manager Megerdichian offered his suggestion to call Brian Sunshine to determine when the proposed item was going to City Council.

## **9. ADJOURNMENT**

**MOTION:** At 8:17 p.m., Commissioner Donnellan moved to adjourn the meeting to November 10, 2005. The motion was seconded by Commissioner Browning and, hearing no objection, Vice-Chairperson Tymczyszyn so ordered.

Approved as Submitted November 10, 2005 s/ Sue Herbers, City Clerk
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